

UNITED STATES OF AMERICA  
Plaintiff,  
  
v.  
  
BRIAN DALLEN MANEY,  
Defendant,  
  
and  
  
EASTERN BAND OF CHEROKEE INDIANS,  
Garnishee.

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States is not entitled to garnishment rights due to a Child Support Order filed in Cherokee Tribal Court and that *per capita* payments are exempt from any garnishment other than for child support or for debts owed to the Tribe.

**IT IS ORDERED** that the Answer of Garnishee to the extent it may be construed as a motion to quash the writ of garnishment, is hereby DENIED; and

**IT IS FURTHER ORDERED** that the Order entered on April 27, 2009, in the Cherokee Tribal Court for the defendant's child support obligations, will have priority over the writ of garnishment issued by this Court until such time as the child support obligation has expired; and

**IT IS FURTHER ORDERED** that an Order of Continuing Garnishment is hereby **ENTERED** in the amount of \$4,285.56 computed through April 17, 2009, which attaches to each *per capita* distribution of gaming revenues on account of the Defendant, subject to the priority of the child support obligation; and

**IT IS FURTHER ORDERED** that any *per capita* gaming revenue that exceeds the child support obligation shall be garnished in favor of the United States; and payments should be made payable to the United States Clerk of Court and mailed to the United States Clerk of Court, 401 West Trade Street, Charlotte, NC 28202.

In order to ensure that each payment is credited properly, the following should be included on each check: Court Number 2:08CR000014, Defendant: Brian Dallen

Maney.

Signed: March 23, 2010

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

